

**CRR 2153 of 2021
(Through Video Conference)**

In Re: - A petition under Sections 401 read with Section 482 of the
Code of Criminal Procedure, 1973
And

In the matter of: **Moklasur Rahaman & Ors.**

.... Petitioners

Mr. Sekhar Kumar Basu,
Mr. Jayanta Kumar Das,
Ms. Madhumati Das

...For the Petitioners

Ms. Sukanya BHattacharyya,
Md. Kutubuddin

...For the State

Ms. Sukanya Bhattacharyya, learned advocate, who usually
appears for the State, is requested to appear, in this case.

Let the appointment of Ms. Bhattacharyya be regularised.

It appears that by the impugned order dated July 28, 2021, the
learned Chief Judicial Magistrate in the Court below issued the
warrant of arrest and passed the orders for proclamation and
attachment simultaneously.

I find substance in the submission of Mr. Basu, that the learned
Magistrate should have been recorded his satisfaction with regard to
the non-execution of the warrant of arrest and only thereafter the
order for proclamation and subsequent order of attachment could
have been passed.

In that view of the matter, the order dated July 28, 2021, is set aside, insofar as it relates to the issuance of proclamation and attachment.

The learned Magistrate, however, will be at liberty to execute the warrant in accordance with law. If it is found that the warrant could not be executed, the learned Magistrate shall be at liberty to take steps in terms of Sections 82 and 83 of the Code of Criminal Procedure, 1973.

Accordingly, the revisional application being **CRR 2153 of 2021** is disposed of.

(Kausik Chanda, J.)